

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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AULISTAR MARK, HANCHEN LU and :
ANDREW HUDSON, Individually and on Behalf of :
All Others Similarly Situated, :
: Plaintiffs, : Civil Action No. 1:13-cv-04347-AJN
-against- :
: GAWKER MEDIA LLC, and NICK DENTON, :
: Defendants. :
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AFFIDAVIT OF WHITSON GORDON

WHITSON GORDON declares, pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am of legal age and am competent to make this Declaration. I have personal knowledge of the facts sets forth in this Declaration, or I have learned said facts to speak on behalf of Gawker Media, LLC.

2. My current position with Gawker Media, LLC (“Gawker”) is Editor-In-Chief (“EIC”) of Lifehacker.com. I started as an intern for Lifehacker in October of 2009. After my internship, I was hired as a Contributing Writer, and I became EIC in January 2013.

3. I served as an intern for approximately six months. The internship was advertised via a tweet on Adam Pash’s (a former Lifehacker Editor) Twitter page, and I applied. When I first arrived, the intern responsibilities involved moderating comments and the tip line email inbox. Interns could choose to perform additional tasks such as writing a piece for the site, but they were entirely voluntary. I was paid \$200 per month. We did not have set hours during that time. The flexible schedule was especially

attractive to me because I was in college during my internship. Like the other interns, I made my own hours, but usually ended up working most of the work day when I had free time because I liked the work a lot. About one month into my internship, I was offered and accepted a part-time position as Contributing Writer. In December 2010 I became a full-time Staff Writer.

4. I began overseeing interns as an editor around the beginning of 2012. The number of interns we had at any point for Lifehacker varied between one and four.

5. We found interns by putting up a post on the Lifehacker website advertising the position. The post would describe the internship, and the applicants would email us their application, which consisted of writing samples and a brief description of the applicant's resume. We did not usually interview the applicants, but we examined the applications and writing samples and made offers over email.

6. Most individuals interned remotely. There were three or four Los Angeles-based interns who would go to Adam's house to be together about two days a week. I do not recall having interns in the New York office.

7. Many Lifehacker internship postings advertised a very small stipend. Once we emailed the interns who were selected, we told them the amount of the stipend was around \$200.00 per month.

8. Interns initially did not have a set schedule of hours. When I interned, I contributed five days a week. In 2011, the site began requiring interns to put in eight hours a day, five days a week, but there was flexibility if the interns requested or needed it.

9. We did not recruit interns on any set schedule.

10. I believe that most of the internship consisted of training. We taught interns how to moderate comments on the Lifehacker website, how to review and find relevant blogs, and how to research online to find interesting ideas from which the editors could possibly craft a post. They would discuss with editors and send them links, and we would let them know if an article idea was viable, and most importantly, why. The teaching process was always ongoing throughout the duration of the internship. The initial process of training both interns and full-time employees was fairly similar, but the training was always ongoing for the interns. Full-time employees did not have ongoing training. They were expected to do many more tasks than the interns. Full-time writers were writing posts constantly, and after they were trained, they were not expected to send posts to a supervisor for review before posting the piece on the site. In contrast, during the entire six month internship, the interns always were required to send anything they wrote to the editors for review before the piece could be posted on the site. Full-time employees also were expected to be active and engaging in the comments on their posts, whereas interns merely moderated comments.

11. If an intern received the opportunity to write a post for the site, they were required to show their supervisor the material before they could post it on the website. The editors edited the intern's writing to maintain the quality of writing for which Gawker sites are known. When interns were moderating comments, though, they had less supervision because it was a much easier task that only involved dismissing or starring certain comments. Consequently, the interns did not do much posting to the website.

12. Since I have been EIC of Lifehacker, I have been the only supervisor of the Lifehacker interns. Prior to my promotion to EIC, Adam Pash and Jason Chen, another Lifehacker editor, was in charge of the interns.

13. The interns did not supervise each other. When I stopped being an intern and was hired at Gawker full-time, I helped out other interns but never supervised them.

14. We let interns know that there was no guaranteed job for them at the end of the internship, but that some interns had been hired to Lifehacker in the past.

15. I provided one or two former interns with a recommendation after they interned with Lifehacker.

16. Since I was an intern myself, I understand the huge benefits of interning prior to entering the workforce, especially in the online publishing industry. When I began interning, I expected to walk away with something very prestigious to put on my resume and to gain new skills that I could use working at other blogs. The interns got out of the internship what they put into it. There was never a requirement to do a lot of writing or to do anything critical to the site, but interns could take more responsibility if they wanted. They all learned universal reporting skills like how to train their eye to spot what could be a good story, how to write concisely (in a few instances they were allowed to write posts), and how to write with a certain voice. Like myself, many of our past interns have gone on to work at other well-known blogs. I believe I went beyond what was expected of me as an intern, which is a main reason I was eventually hired.

I declare under the penalty of perjury under the laws of the State of New York and the United States of America that the foregoing is true and correct.

Executed this 10 day of January, 2014 in Los Angeles, CA.

A handwritten signature in black ink, appearing to read "W. WHITSON GORDON".

WHITSON GORDON